

The Weekly True Democrat.

VOL. 1.

TALLAHASSEE, FLORIDA, FRIDAY, DECEMBER 8, 1905.

NO. 41.

Good Government; Honesty in Public Office; Equal Justice to All--Special Privileges to None.

PRESENTMENT OF GRAND JURY.

Court House Improved, Officers' Books in Good Shape, Etc.

In the Second Circuit Court of Florida, in and for Leon County--Fall Term, 1905.

To the Hon. J. W. Malone, Judge of said Court:

We, the grand jury of said county for said term, beg leave to make the following report:

We have carefully examined all cases that came before us.

We visited the jail and find everything there neat and clean, and the sanitary conditions good.

We find that the County Commissioners have greatly improved the appearance of the court house, inside and out, and that the building no longer presents the disgraceful appearance mentioned in the presentment of the last grand jury.

In accordance with the charge of the court, we have carefully examined the books of the Auditor, Treasurer and Superintendent of Public Instruction for the county.

We find that there was a transfer of funds September 1st, 1903, and we embody herein copies of the resolution of the Board of County Commissioners and their order to the Treasurer, which explain themselves.

Tuesday, Sept. 1st, 1903.

Whereas, At the meeting of the board July, 1897, in conformity with the provision of Section 1, Chapter 4526, Laws of Florida, the board advanced and transferred from the General Revenue Fund the sum of two thousand dollars to pay off the then indebtedness of the Fine and Forfeiture Fund and transferred that amount to the account of Fine and Forfeiture Fund. It is, therefore, ordered that as said Fine and Forfeiture Fund is now clear of all indebtedness, with a balance on hand of \$5,994.88, that the sum of fifteen hundred dollars be transferred from said Fine and Forfeiture Fund to the General Revenue Fund.

Tallahassee, Fla., Sept. 1, 1903.

Jno. D. Perkins, Treasurer Leon County:

You are hereby directed to transfer the sum of fifteen hundred dollars (\$1500.00) from the Fine and Forfeiture Fund to the General Revenue Fund.

By order of the Board of County Commissioners, C. A. BRYAN, Clerk and S. Co. Com.

We insert copies of the last report of the County Auditor and the Treasurer, whose books we find kept in excellent condition.

"Trial Balance," Leon County, November 1st, 1905:

J. E. Perkins, Treasurer.....\$22,548.29

General Revenue.....\$11,549.17

County School.....5,700.37

Road and Bridge.....2,793.81

Fine and Forfeiture.....2,440.13

General Warrant.....76.23

Unpaid Warrant.....11.42

W. A. Demilly, Tax Collector.....927.50

License.....927.50

Correct.....\$23,487.21 \$23,487.21

H. T. FELKEL, County Auditor.

To the Hon. Geo. W. Walker, State's Attorney, Second Judicial Circuit:

In compliance with the requirements of Section 3, Chapter 4141, Laws of Florida, Acts of 1893, I submit the following itemized statement of the transactions of the office of the Clerk of the Circuit Court of Leon County, from the 1st day of May, 1905, to the 1st day of November, 1905.

Accounts audited and passed, and number of warrants issued, 499, amounting to \$8,218.30, distributed as follows:

General Revenue.....\$5,182.35

Road and Bridge.....1,072.40

Fine and Forfeiture.....1,963.55

\$8,218.30

Of this amount there has been turned in as paid and cancelled by the County Treasurer, 482 warrants, amounting to \$8,169.50.

Recorded in Clerk's office: Deeds, 162; mortgages, 58; liens, 247; satisfaction mortgage, 4; articles incorporation, 3; assignment mortgage, 1; chancery cases docketed, 14; common law cases, 9.

Respectfully submitted,

H. T. FELKEL, Clerk Ct. Ct., Leon Co., Fla.

Tallahassee, Fla., Nov. 29, 1905.

To the Grand Jury of Leon County, Tallahassee, Fla.

Gentlemen: As shown by the books, the following amounts were in the different funds or accounts on November 1, 1905, as follows:

Leon County Sch's.....\$ 5,700.37

Fine and Forfeiture.....2,273.67

Roads and Bridges.....2,828.84

General Revenue.....11,755.37 16,857.88

\$22,558.25

Very respectfully submitted,

JOHN E. PERKINS, Treasurer Leon County.

Also statements of the Sheriff and the County Judge:

Hon. George W. Walker, State's Attorney.

Dear Sir: I have the honor to submit that since the adjournment of the

Spring term of court, 1905, I have received from the County Judge and Justices of the Peace Courts 77 warrants; have served 72; have served as Sheriff at two inquest cases, and have executed papers in 9 lunacy cases, 41 subpoenas and summons ad respondendum issued, which I have served.

Respectfully,

CHARLES HOPKINS, Sheriff of Leon County, Fla. Office of the County Judge, Leon County, Fla., Tallahassee, Nov. 27, 1905.

Hon. George W. Walker, State's Attorney, Second Judicial Circuit of Florida:

Sir: I have the honor to report to you the following transactions of the County Judge's office of Leon county since my report to you bearing date May 15th, 1905, to-wit:

Number of civil cases docketed, 29; criminal cases docketed, 72; inquests of the dead held, 2; occupation licenses reported, 229; marriage licenses issued (white), 21; marriage licenses issued (colored), 73; wills probated and recorded, 3; letters of administration issued, 2; letters testamentary issued, 2; discharges granted, 1; homestead exemption recorded, 1; insanity cases examined and reported, 9.

Respectfully submitted,

R. A. WHITFIELD, County Judge.

Also statement of the Superintendent of Public Instruction for the county.

Receipts and expenditures of school funds for school year, from July 1, 1904, to June 30, 1905.

RECEIPTS.

Cash on hand from last year. \$ 1,665.49

County school fund levy last calendar year.....10,754.99

County school fund levy previous year.....2,751.48

From tax redemption.....7.27

From poll tax.....1,909.00

Apportionment interest State fund.....1,264.40

Apportionment one mill State tax.....4,520.23

From examination fees.....77.00

From all other sources.....2,120.00

\$25,069.86

EXPENDITURES.

Salaries white teachers.....\$10,815.00

Other expenses white sch's.....1,188.38

Total expendit's white sch's.....\$12,003.38

Salaries colored teachers.....5,633.00

Other expenses colored sch's.....502.80

Total expendit's col'd sch's.....6,135.80

Expended for administrative Warrants issued this year on old indebtedness.....378.79

Total issued this year.....\$20,706.92

This year's warrants unpaid July 1st.....751.40

This year's warrants paid during year.....\$19,957.52

Old warrants paid during y'r.....134.15

Total warrants paid during year.....\$20,091.67

Cash in hands of Treasurer July 1st.....4,978.19

\$25,069.86

There has come to the attention of the grand jury that one John H. Wester died in this county on or about the 1st day of November, A. D. 1905, and that circumstances go to show that he was poisoned, but on account of evidence of expert witnesses being lacking this body has been unable to give the matter such attention as a case of this kind demands, and we respectfully suggest that the matter be taken up by one of the Coroners of this county, so that the facts in the case may be thoroughly gone into and if evidence warrants it, have the case presented to the next grand jury.

We tender our thanks to his Honor, Judge John W. Malone, for his able and explicit instructions, which have greatly aided us in the discharge of our duties, and for his many other courtesies.

We appreciate fully the prompt and valuable aid rendered to us by Hon. George W. Walker, State's Attorney, and thank him therefor.

We desire to express our thanks to the various officers of the court and of the county, who have so kindly aided us in every way.

GEORGE LEWIS, Foreman.

Heart Fluttering.

Undigested food and gas in the stomach, located just below the heart, presses against it and causes heart palpitation. When your heart troubles you in that way take Herbine for a few days. You will soon be all right. 50c a bottle. For sale by all druggists.

To the Public.

The King's Daughters being anxious to assist the poor and deserving of the community, ask their friends to help them with donations of provisions, clothing, bed covering, etc. All persons charitably inclined will please send contributions of any kind to Miss M. S. Lewis on or before Saturday, Dec. 23d, as it is intended as a Christmas offering for the poor.

Cured Paralysis.

W. F. Baily, P. O. True, Texas, writes: "My wife had been suffering five years with paralysis in her arm, when I was persuaded to use Ballard's Snow Liniment, which cured her all right. I have also used it for old sores, frost bites and skin eruptions. It does the work." For sale by all druggists.

A TRIBUTE

To Mrs. Elizabeth B. Douglass.

In the quiet hush of a golden Sunday afternoon, calmly and painlessly, with the "peace of God which passeth all understanding," Mrs. Elizabeth Douglass fell asleep, surrounded by the loved ones who had watched with faithfulness and care her declining years.

So gently did she "go away" it was hard to realize the "Angel of Death" had borne her sweet spirit to the God who gave it.

A good life well spent, duties cheerfully rendered, sorrows patiently borne, a Christian for over half a century and a member of the Episcopal church since her seventeenth year, Mrs. Douglass has gone to reap the reward promised the "pilgrims" who serve and do not grow weary in well doing, and who walk with God and do not faint. She was the eldest daughter of Gov. Thos. Brown, and came from Virginia to Florida in the early pioneer days. Gifted with rare personality and great charm, she was ever a favorite with young and old, and drew around her the choicest and best intellects of the men and women of the old regime.

Married from her father's home in Tallahassee, she removed with her husband, Judge Samuel J. Douglass, to Key West, where they remained until the beginning of the Civil War.

A most devoted wife and mother, a loyal and true friend, she was held in highest esteem and affection in the little city of her adoption, and though many years have passed and gone since leaving Key West, there are yet friends there who remember with love this peerless woman.

Mrs. Douglass had passed the eighty-eighth mile-stone of life, and was remarkably bright in mind and happy and cheerful in the family circle of her son-in-law, Mr. George Lewis, of this city; she was ever the first thought and care of all within that circle, and her declining years were utterly care-free and beautiful.

Mrs. George Lewis, of Tallahassee, and Archer W. Douglass, of St. Louis, Mo., are the only children left of the eight that came to bless her union with Judge Douglass.

We bid adieu with loving memories to this cherished friend, and in the tears that fall upon her flower-covered mound feel comforted with this thought:

"What matters it though for a little space Clashed hands must sever by the darksome tide, Each look the last upon the other's face, And for a little lonely while abide, Since there is One to take us by the hand And safely lead us to the promised land: What matters it, dear heart, for time will seem When we awaken, but a broken dream."

H.

Clear Streets.

The city of Jacksonville has taken a new stand in regard to municipal rights, says the Tampa Herald. It has decided that the streets of a city belong to the public for use as thoroughfares and not storage warehouses for certain individuals and firms. In other words, the decree has gone forth there that stables cannot use the streets in front of their property for the purpose of storing all manner of vehicles, and it has also decided that repair shops cannot use the streets in front of their places as a boneyard for ancient and decrepit vehicles and debris. What a difference it would make in the appearance of the streets of Tampa if the same stand was taken by our city authorities! Florida avenue, between Hillsborough and Harrison streets, for instance, would present quite a different appearance, as well as the streets in front of a majority of the stables in the city. There is no sane reason why the public should not demand and get the same consideration in Tampa as they do in Jacksonville in regard to such matters.

There is considerable room for improvement in this respect in Tallahassee. Whether the city ordinances contain provisions forbidding such misuse of public street and sidewalk space, or not, we are not informed. If they do not, they should, and we refer the matter to the city council--to determine whether such legislation is required.

Coughing Spell Caused Death.

"Harry Duckwell, aged 25 years, choked to death early yesterday morning at his home, in the presence of his wife and child. He contracted a slight cold a few days ago and paid but little attention to it. Yesterday morning he was seized with a fit of coughing, which continued for some time. His wife sent for a physician, but before he could arrive another coughing spell came on and Duckwell died from suffocation.--St. Louis Globe-Democrat, Dec. 1st, 1901."

Ballard's Horehound Syrup would have saved him. 25c, 50c and \$1.00. For sale by all druggists.

Leon Circuit Court.

Contrary to expectation, the business of the term was finished on Friday and Saturday of last week, and the court adjourned without day at a late hour Saturday.

The grand jury brought in the following indictments and its general presentment, which appears elsewhere: Gus Austin alias Robert Ford, larceny of steer; same, larceny of cow; G. F. Martin, embezzlement. Capias ordered for both. Also against Leonard Wilson, unlawfully selling mortgaged property. Pleading guilty and was sentenced to pay

a fine of \$50 and costs, or 3 months in jail. Also against Joe Harvin and Ida Smith, assault to commit rape, jury; verdict not guilty.

Henry Woodson, murder, jury; verdict guilty of murder in first degree, a majority of the jury recommending to the mercy of the court. Sentenced to the penitentiary for life and to pay the costs of prosecution.

Jim Douglass, murder, jury; verdict guilty of manslaughter. Motion for new trial denied and time granted for bill of exceptions, with bond fixed at \$2,500. Sentence, 10 years in penitentiary and costs of prosecution, suspended.

The following sentences were pronounced: Catharine Robinson, unlawful selling liquor, \$250 fine and costs, or 60 days in jail; John Reeves, same offense, \$500 fine and costs, or 3 months in jail; Joe Hogan, grand larceny, penitentiary two years and costs; Robert Muller, larceny of horse, same sentence; Ben Sloan, larceny of cow, same sentence.

Florida's Prosperity.

Everyone should pay particular attention to the bulletin on the manufacturing interests of Florida, issued Saturday by the census bureau of the Department of Commerce and Labor, says the Tampa Tribune. This bulletin, which is the result of expense and labor by the government in the collection of statistics, places the value of the manufactured products of the State for last year as \$50,241,078, an increase since 1900 of 47 per cent.

Just think of that!

It means that the people of Florida have not been content to remain idle and allow other States to leave her behind. It means that the enterprising citizens of a State that is plethoric with natural possibilities have taken advantage of the conditions and to use a vulgarism of the day, "made good."

According to this official bulletin, there are 1,410 manufacturing establishments in the State, capitalized at \$32,958,482. These establishments employ 41,961 wage-earners, who were paid last year \$15,736,222.

The product of the principal articles manufactured was last year as follows: Tobacco, cigars and cigarettes, \$16,784,276; lumber, \$12,592,105; turpentine and rosin, \$9,851,173.

A Bad Scare.

Some day you will get a bad scare when you feel a pain in your bowels, and fear appendicitis. Safety lies in Dr. King's New Life Pills, a sure cure for all bowel and stomach diseases, such as headache, biliousness, costiveness, etc. Guaranteed by all druggists; only 25c. Try them.

An Atlanta Function.

The Atlanta Constitution says: An elegant dinner party of Saturday evening was that given by Mr. and Mrs. W. A. Speer at their palatial residence on Peachtree road, in compliment to their guest, Mrs. Charles Cay, of Jacksonville, and to a number of their Florida friends who were in the city. The table was rich in its appointments and decorations, a large wreath of pink roses forming the center-piece, the silver candelabra shaded in pink, and all the minor details in the same color, which was observed also in the various courses of a delicious menu. The party included, besides Mrs. Charles Cay, Mr. and Mrs. Coachman, Miss Stripling, Mr. and Mrs. Raymond Cay, of Jacksonville, Mr. and Mrs. Lee Douglass and Mr. and Mrs. Clifford Hatcher. The handsome hostess received in an elegant toilette of white crepe de chine, and Mrs. Charles Cay, who is reputed to be one of the most beautiful women in Florida, wore a pompadour gown in white and yellow. Mrs. Coachman's toilette was a beautiful one in blue and white silk with duchesse lace. Miss Stripling's dainty toilette was of white lace. Mrs. Raymond Cay wore an exquisite toilette in black silk and lace, with a touch of old rose. Mrs. Douglass wore a becoming gown of pale lavender, and Mrs. Hatcher was charming in pale blue silk.

No Secret About It.

It is no secret that for cuts, burns, ulcers, fever sores, sore eyes, boils, etc., nothing is so effective as Bucklen's Arnica Salve. "It didn't take long to cure a bad sore I had, and it is all O. K. for sore eyes," writes D. L. Gregory, of Hope, Tex. 25c at all druggists.

Bill Buckman is singing "powerful" low these days, but not Harry Buckman down this way, the papa of Bill, for he's jes' a-travelin' to the State Senate as fast as he can.--Times Union.

The Jews are right in celebrating the anniversary of their landing in America as a reminder to the world that they were among the first of us. And since then they have been faithful Jews and zealous Americans--not Jewish-Americans. May all the quarter centuries of their stay with us be as honorable and as useful as the first.--Times Union.

Schedule T. S. E. Railroad.

Effective November 22 the T. S. E. train for Wacissa will leave Tallahassee depot at 2 p. m. daily, except Sunday, returning to arrive in Tallahassee at 4:30 p. m.

F. P. WOODWARD, Agent.

A DANIEL COME TO JUDGMENT.

County Judge R. Don McLeod's Famous Mullet Decision.

The affidavit filed in this case, based on section 4, chapter 4557, Acts of 1897, charges that the defendant unlawfully caught with a seine, fish in the waters of the State of Florida, and caught mullet in said waters between the 15th day of November and the 31st day of December, 1905. The defendant pleaded not guilty, but admitted fishing at his fishery and catching fish between the dates named in the affidavit, and filed a certified abstract of title to the lands fished on reaching back to deed from John Beard, receiver of Apalachicola Land Co., the successors of John Forbes & Co.

The evidence introduced discloses that all of Wakulla county lying west of St. Marks river, including the islands bordering along her Gulf coast, is embraced in what is generally known and is designated on the map of Florida and the United States as "Forbes' Purchase."

Also that the locus in quo is the shallow waters submerging the shores and low, flat portions of the main land and islands, where the tides ebb and flow, on the Gulf coast of Wakulla county, not in navigable channels nor in any waters that have been dedicated to the use of navigation, or ever been declared navigable under the navigation laws.

The territory embraced in "Forbes' Purchase" (covering an area of 1,427,290 17-100 acres and extending into Franklin, Liberty and Gadsden counties, as Wakulla), was acquired by Spain from the Indian owners, who, according to historical traditions, extensively operated these fisheries as far back as to where the mind of man runneth not to the contrary; and Spain became vested with the rights and privileges so long previously enjoyed by the Indian owners.

When Spain, for a valuable consideration, in 1804-06-11, by grants from the Spanish Crown, conveyed the territory in question to Pantón, Leslie & Co. and to John Forbes & Co., in their own right and as surviving partners and successors to Pantón, Leslie & Co., it is but fair and reasonable to presume that all the fishing rights, and as well as other riparian rights, passed under such grants from the Crown of Spain to their grantees, John Forbes & Co. And thus fishing rights and privileges enjoyed by the original Indian owners of the territory in quo passed to and became vested in John Forbes & Co.

It is held in Magee vs. Alba, 9 Fla. 382, and in Magruder vs. Perrell, 13 Fla. 602, and in Keech vs. Enrich, 28 Fla. 597, that titles to land acquired by purchase from the Spanish government in Florida, are protected by the 8th Article of the treaty of cession. Hence all the rights and privileges attaching to lands conveyed by Spanish grants that could have been exercised or enjoyed by the grantees under the Spanish government, were recognized and protected by the 8th Article, treaty of 1819, when the Floridas were ceded by Spain to the United States.

It is also held in Axline vs. Shaw, 35 Fla. 305, that lands which were private property at the time of the passage of the riparian act of 1856, were not affected by the act. And it is held in Ruge vs. A. O. C. & F. Co., 25 Fla. 656, that the act of 1856 in favor of riparian owners did not affect land previously dedicated to public use; that is to say, that vested rights cannot be affected by subsequent legislation.

Upon these principles of law, the free and unrestricted right of the Indian owners to catch fish whenever they chose to do so, having passed by the Spanish grants and become vested in John Forbes & Co., and being private property at the time of the treaty of 1819, passed the change of flags unaltered and having never at any time become a part of the public domain of the United States nor of Florida, but remaining private property as it passes on down through the channel of subsequent conveyances to the present owners unaffected by the swamp and overflowed act and the riparian act, then why should the fish act of 1897-99 apply to this private property?

Our conclusion is that the waters embraced in the "Forbes Purchase," which have never become the property of the State of Florida, nor by any process of law dedicated to public use, are not the "waters of this State," within the meaning of chapter 4557, law of 1897.

And we hold that the provisions of chapter 4557, 1897, making it unlawful to catch fish "in the waters of this State" between certain dates therein mentioned, do not apply to the shallow waters submerging the shores and low, flat main lands and islands, where the tides ebb and flow, embraced in the "Forbes Purchase."

The defendant's plea in abatement is hereby sustained.

Let the prisoner be discharged.

Ordered, adjudged and decreed this November 25th, 1905.

FOLEY'S KIDNEY CURE

Makes Urinary and Bladder Right

It is no secret that for cuts, burns, ulcers, fever sores, sore eyes, boils, etc., nothing is so effective as Bucklen's Arnica Salve. "It didn't take long to cure a bad sore I had, and it is all O. K. for sore eyes," writes D. L. Gregory, of Hope, Tex. 25c at all druggists.

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